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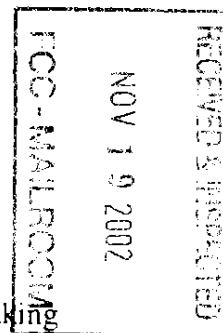


Federal Communications Commission  
Washington, D.C. 20554

November 13, 2002

Harold K. McCombs, Esq.  
1090 Vermont Avenue, N.W. - Suite 800  
Washington, D.C. 20005

Re: Petition for Rule Making  
Killen, AL - Channel 265A



Dear Mr. McCombs:

This is in response to the Petition for Rulemaking filed by your client, Killen Broadcasting Company, on July 24, 2002, requesting the allotment of Channel 265A at Killen, Alabama. In a subsequent letter received by the Commission on July 26, 2002, you communicated your client's intention to withdraw that petition.

A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, we will grant your client's request to withdraw the instant proposal.

Based on the above, we are returning your client's proposal for Killen. Your client may resubmit the petition, provided that it provides a showing that a fully-spaced transmitter site is available that provides city grade coverage to the entire community.

Sincerely,

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosure

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**RECEIVED**

**JUL 24 2002**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No 02 - _____
Table of Allotments.	)	RM - _____
FM Broadcast Stations.	)	
(Killen, Alabama)	)	

To Assistant Chief, Audio Division  
Media Bureau

**PETITION FOR RULE MAKING**

Killen Broadcasting Company ("Petitioner"), by its attorney, hereby requests that the Commission institute a rulemaking proceeding to allot new FM Channel 265A at Killen, Alabama, as that community's first local commercial FJI service. Petitioner proposes to amend Section 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

City	Channel Number	
	Present	Proposed
Killen, Alabama	--	265 I

No reassignment of any existing allotments is requested

1. If the requested allotment is made, then Petitioner will cause to be filed an application for a construction permit for a new FM radio broadcast station on Channel 265A at Killen, Alabama. If the Commission grants that construction permit, then Petitioner will cause to be constructed a new FM station on Channel 265A to serve Killen.

2. As demonstrated in the attached engineering statement of Kirk Tollett, the allotment of Channel 265A at Killen, Alabama, can be accomplished in compliance with all

minimum distance separation requirements from the assumed transmitter site.<sup>1</sup> As shown in Mr. Tollett's engineering statement, the requisite 3.16 mV/m signal strength contour will cover the entire community of Killen from the assumed site

3. Killen is an incorporated community and had a 2000 U.S. Census population of 1119 persons. Killen is located in Lauderdale County, which had a 2000 U.S. Census population of 87,966 persons. The allotment of Channel 265A will provide Killen with its first local commercial FM service. Therefore, the public interest will be served by the allotment of Channel 265.4 at Killen, Alabama

WHEREFORE, for the foregoing reasons, Petitioner requests that the Commission grant this petition, and then adopt and release a Notice of Proposed Rule Making to amend Section 73.202(b) of the Rules proposing to allot Channel 265.4 at Killen, Alabama

Respectfully Submitted  
**KILLEN BROADCASTING COMPANY**

By: Harold K. McCombs  
Harold K. McCombs

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e-mail: hkmccombs@earthlink.net

Its Attorney

July 24, 2002

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<sup>1</sup> As noted in Mr. Tollett's engineering statement, this proposal assumes favorable action by the Commission with respect to other FM radio allotments and assignments. To the extent necessary, Petitioner requests waiver of any rule or policy that might either preclude the filing of this petition or the receipt of this petition. The public interest is served by facilitating, advancing and expediting a request for a new first local FM radio service and, thereby, the inauguration of that new radio service.

# **TECHNICAL STATEMENT**

**Killen Broadcasting Company**

**Killen, Alabama**

**July, 2002**

## **INTRODUCTION**

This technical statement has been prepared on behalf of Killen Broadcasting Company, in **support** of a Petition for Rulemaking, requesting a change in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

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Location	Present	Proposed
Killen, Alabama	None	265A

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As can be gleaned from the attached exhibits, Channel 265A can be added to the Federal Communications Commission Table of Assignments without the necessity of any other changes and without the creation of any new preclusion area.

## **DISCUSSION**

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 265A to Killen, Alabama. The information contained in Figure 1, was utilized in preparation of the pertinent arcs contained in Figure 2.

Figure 2 is a full scale reproduction of a portion of a computer generated 1:1,000,000 scale map upon which has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report. The geographic coordinates selected for this study were:

N 34° 43' 38"

W 87° 31' 44"

Figure 2, details the area of Killen and the peninent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 kilometers of the proposed allocation. For purposes of demonstrating clearance, the present license of WYDE-FM on channel 266C1 has been ignored. WYDE-FM has a pending construction permit application (BMPH-20011206AD) for a **Class C1** facility which is fully spaced to this proposal. Additionally, the license site of WLAY-FM has been ignored because of it's pending city of license change from Tuscumbia to Meridianville, Alabama. The Commission has just cut off comments in MB Docket 01-1147 RM-10426 in which no comments or counter proposals were filed. This petition fully protects the WLAY-FM allocation reference site at Meridianville. Based on the allocation study and map attached, it is believed that there is ample clearance to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Killen, Alabama.

Figure 3 demonstrates the possible city grade signal of the proposed facility utilizing a hypothetical tower, with a center of radiation 100 meters above average terrain and an effective radiated power of six kilowatts from the

reference coordinates used in this petition. The **proposed** city grade signal of Channel 265A at Killen, Alabama would encompass 69,988 persons.

### **CONCLUSION**

Based on this information, and the figures that are included in this Report, WE believe that the proposed assignment would be in full compliance with the Federal Communications Commission's **Rules**, and that Channel 255.4 could be assigned to Killen, **Alabama** as that community's first local broadcast service

Therefore, Killen Broadcasting Company, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the **requested** assignment.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kirk A. Tollett', with a stylized flourish at the end.

Kirk A. Tollett  
Consultant to Killen Broadcasting Company  
July 24.2002

# FIGURE 1

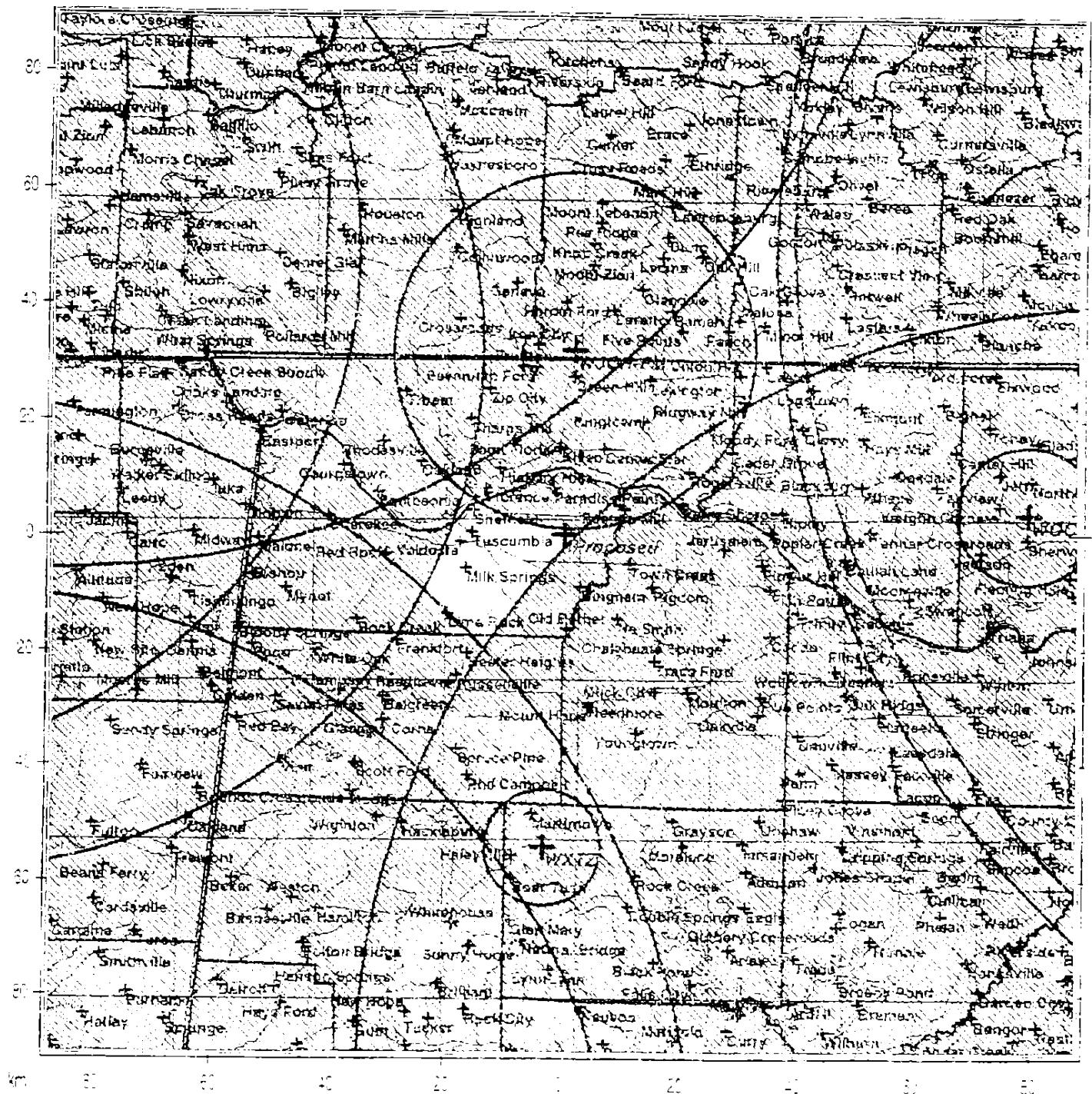
search of channel 265 (100.9 MHz class A)  
at 34-43-38.0 N, 87-31-44.0 W.

CALL	CITY	ST	CHN	CL	DIST	S	BRNG	CLEARANCE
WYDE-FM*	CULLMAN	AL	266	C	86.08	165	134.9	-75.92
WYDE-FM	CULLMAN	AL	266	C	91.83	165	141.2	-73.17
WYDE-FM	CULLMAN	AL	266	C	91.75	165	141.2	-73.25
	TUSCUMBIA	AL	262	C1	14.76	75	282.9	-60.21
WLAY-FM**	TUSCUMBIA	AL	262	C1	14.76	75	282.9	-60.24
WLAY-FM	TUSCUMBIA	AL	262	C1	14.76	75	282.9	-60.24
WLAY-FM	TUSCUMBIA	AL	262	C1	18.06	75	250.5	-56.34
WYDE-FM	CULLMAN	AL	266	C1	86.03	133	134.9	-46.92
WJOR-FM	ST. JOSEPH	TN	268	A	31.90	31	2.6	0.90
WJOR-FM	ST. JOSEPH	TN	268	A	31.90	31	2.6	0.90
WYDE-FM	CULLMAN	AL	266	C1	134.55	133	133.4	1.55
WYDE-FM	CULLMAN	AL	266	C1	134.55	133	133.4	1.55
WVHR	HUNTINGDON	TN	265	C3	160.18	142	328.4	18.18
	VERIDIANVILLE	AL	262	C2	73.12	55	81.8	18.12
WTCK-FM	MIDDLETON	TN	264	C3	107.95	89	286.9	18.95
WVHR	HUNTINGDON	TN	265	C3	163.95	142	333.9	21.95
WKBB	WEST POINT	MS	265	C3	165.42	142	223.5	23.12
WKBB	WEST POINT	MS	265	C3	165.42	142	225.5	23.42
970109MA	MIDDLETON	TN	264	C3	127.58	89	289.9	38.58

\*Site change and downgrade to C1 per application BMPH-20011206AD

\*\* To Meridianville, Alabama per MB Docket No. 02-114/RM -10426

Proposed Channel 14



Killen, Alabama

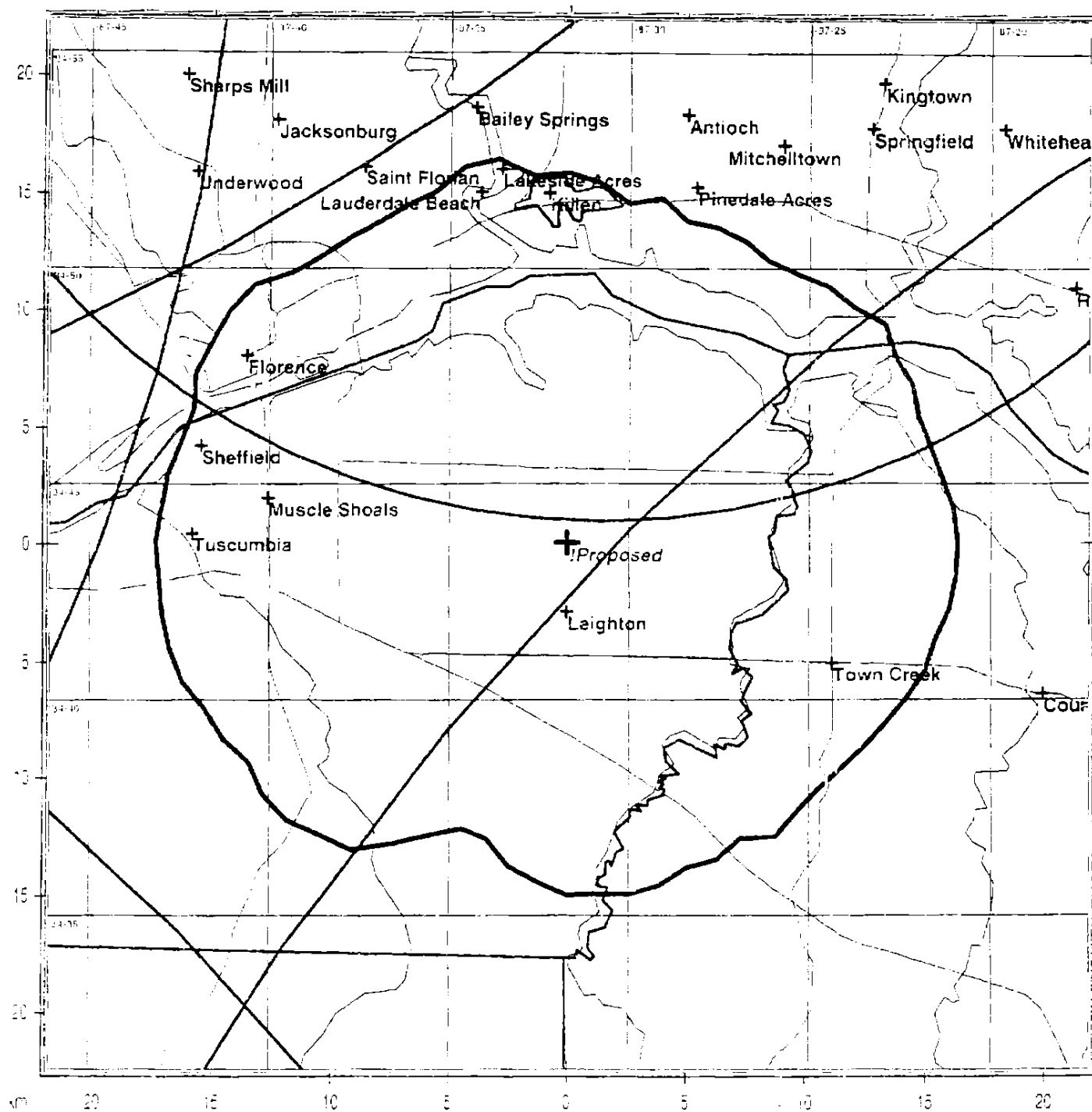
County Boundaries State Boundaries Highways Water Features National Grid

Map Scale: 1:100,000 1 cm = 10.00 km NAD 83 179.01 x 174.79 km

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Proposed Channel 265A 6.0 kilowatts @ 100 meters HAAT



Killer Alabama

County Borders State Borders City Borders Highways Water Features  
 Lat/Long Grid

Map Scale: 1:250000 1 cm = 2.50 km V.H. Size: 44.75 x 43.70 km

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## CERTIFICATION

Kirk A. Tollett hereby certifies that;

He is owner of Commsouth Media, Inc., a broadcast consulting firm based in South Daytona, Florida;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions over the past;

That he has been retained by Killen Broadcasting Company, for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 24th day of July, 2302



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